

Legislative Analysis



ACCESSING ELECTRONIC DATA OR COMMUNICATION: REQUIRE SEARCH WARRANT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Joint Resolution N (as introduced)
Sponsor: Rep. Jim Runestad
Committee: Criminal Justice
Complete to 5-11-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Joint Resolution N would amend Section 11 of Article I of the state constitution to require the government to obtain a search warrant in order to access a person's electronic data or communication.

Currently, Section 11 protects against unreasonable searches and seizures by the government. A warrant cannot be issued to search a place or seize a person or things without describing them and must show probable cause, supported by oath or affirmation.

The resolution would apply the protection described above to electronic data and communications and would require a search warrant to access electronic data or communication.

To become part of the constitution, the resolution would have to be approved by the voters at the next general election. A general election is held in November of an even-numbered year.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.